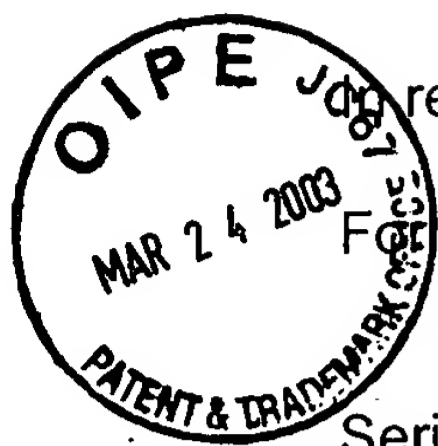


## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Inventor Application of : R. Dennis Nesbitt  
 Title : **MULTI-CORE, MULTI-LAYER COVER GOLF BALL**  
 Serial No. : 09/877,835  
 Filed : June 8, 2001  
 Art Unit No. : 3711  
 Examiner : A. Hunter  
 Date of Last Action : November 27, 2002  
 Customer No. : 24492  
 Confirmation No. : 2483  
 Attorney Docket No. : P-5686U1-C1-1  
 (SLDZ 200214-3)

**RECEIVED**

MAR 25 2003

OFFICE OF PETITIONS

Cleveland, Ohio 44114-2518  
 January 15, 2003

**PETITION FOR APPLICATION FILING DATE**

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Dear Sir:

This is a Petition that the above-captioned application be accorded a filing date of June 8, 2001. A check in the amount of \$130 is enclosed for the petition fee. Please charge any fee deficiencies or credit any over payment to Deposit Account No. 06-0308.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and related papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 1/16/03.

By: Mary Ann Temesvari  
 Mary Ann Temesvari

The present application comprising 59 pages of specification, 4 pages of claims (20 total with 3 independent claims), 1 page of abstract, and 3 sheets of drawings was filed by Express Mail with the U.S. Patent and Trademark Office on June 8, 2001. An unsigned Declaration was included with the filing of this application.

In response to that filing, on June 26, 2001, a Notice to File Missing Parts of Nonprovisional Application (copy attached as Exhibit A) was mailed by the PTO to Applicant. That Notice indicated a filing date of June 8, 2001.

An executed Declaration and Response to Missing Parts Notice was filed by Applicant on August 2, 2001.

Prosecution ensued.

Suddenly and nearly a year and a half after the filing of the application, on November 27, 2002, the PTO mailed a withdrawal of Previously Sent Notice (Exhibit B) and included a "Corrected Notice." This corrected Notice (Exhibit C) stated that a "filing date has NOT been accorded to the...application." Allegedly, according to the PTO, the application that was filed on June 8, 2001, did not contain any drawings. And, pursuant to 35 U.S.C. § 113, a drawing is required "where necessary for the understanding" of the claimed invention.<sup>1</sup>

Applicant and its attorneys have reviewed this matter and believe that the application originally filed June 8, 2001 included three (3) sheets of drawings and for some unknown reason, the PTO's present records are in error. Accordingly, the Notices from the PTO on November 27, 2002 (Exhibits B and C) are in error. Furthermore, it is respectfully urged that the previously recognized filing date for this application of June 8, 2001 be recognized.

Specifically, Applicant's attorneys, who filed this application, reviewed their file. Contained in that file was a postcard submitted concurrently with the Express Mailing of this application on June 8, 2001 that indicated that the application included three (3) sheets of drawings. A copy of that postcard is attached as Exhibit D.

Additional evidence that the original application filed on June 8, 2001

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<sup>1</sup> The paper entitled "Withdrawal of Previously Sent Notice" (Exhibit B) also asserted that a Notice mailed on October 4, 2002 was sent. Applicant, nor its attorneys, never received any Notice in this regard on or about that date.

contained three (3) sheets of drawings is found from the stamped postcard received by and returned to Applicant's attorneys by the PTO. That postcard containing the PTO date receipt stamp, lists the application filed on June 8, 2001 as containing the drawings at issue. A copy of that stamped postcard is attached as Exhibit E.

An Affidavit as to the application and its filing is included herewith as Exhibit F. In that Affidavit, the attorney signing the application transmittal papers on June 8, 2001, recalls that, to the best of his knowledge, the application filed on June 8, 2001 contained the three (3) pages of drawings referenced on the corresponding postcard.

It would be significantly damaging and inequitable to deny the June 8, 2001 filing date to Applicant. In addition to the foregoing noted evidence, all supporting the previously recognized June 8, 2001 filing date, the specification of the originally filed application repeatedly refers to Figs. 1-5 on the three (3) sheets of drawings at issue. That is, these drawing sheets were clearly in existence at the time of filing the present application and are in no way an attempt to add "new matter."

Accordingly, Applicant and its attorneys respectfully request the PTO to acknowledge that the application filed on June 8, 2001 included the three (3) sheets of drawings at issue. Upon such acknowledgement, there should be no further issue and the June 8, 2001 filing date should be recognized.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP



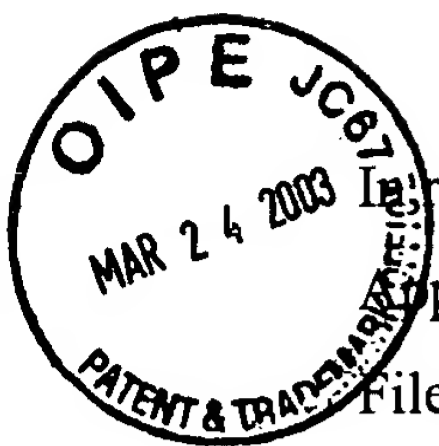
Richard M. Klein  
Reg. No. 33,000  
Mark E. Bandy  
Reg. No. 35,788  
1100 Superior Avenue  
Suite 700  
Cleveland, Ohio 44114-2579  
(216) 861-5582

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DAC 12



P-5686U1-C1-1 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: R. Dennis Nesbitt

Application No.: 09/877,835

Examiner: A. Hunter

Filed: June 8, 2001

Group Art Unit: 3711

For: MULTI-CORE, MULTI-LAYER COVER GOLF BALL

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Box DAC  
Commissioner of Patents and Trademarks  
Washington, DC 20231

**REQUEST FOR RECONSIDERATION AND**  
**RENEWED PETITION FOR APPLICATION FILING DATE**

Dear Sir:

This is a request for reconsideration of the Decision Dismissing Petition under 37 C.F.R. 1.53(e) mailed March 11, 2003. The Decision dismissed Applicant's petition requesting that the above identified application be accorded a filing date of June 8, 2001.

The reason for the dismissal for the Petition was because "petitioners have not supplied a copy of the three (3) sheets of drawings allegedly filed on 8 June, 2001. Petitioners must supply a copy of the three (3) sheets of drawings with a renewed petition."

Accompanying this request for reconsideration are: (1) a copy of the three (3) drawing sheets filed June 8, 2001; (2) a copy of the previously filed Petition for Application Filing Date; and (3) a copy of the Decision on Petition.

Please charge any fees associated with this Request for Reconsideration and Renewed Petition for Application Filing Date to Deposit Account No. 17-0150.

---

**CERTIFICATE OF MAILING (37 C.F.R. 1.8a)**

I hereby certify that this correspondence and related papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents & Trademarks, Box DAC, Washington, D.C. 20231 on this 17<sup>th</sup> day of March, 2003.

Leslie A. Tzivanis  
Leslie A. Tzivanis

**CONCLUSION**

In view of the foregoing, it is respectfully requested that the previously submitted Petition for Application Filing Date be granted, and this application be accorded the filing date of June 8, 2001. If there are any issues remaining, the Examiner is invited to telephone Applicant's attorney.

Respectfully submitted,  
R. DENNIS NESBITT

Date: March 17, 2003  
Registration No. 42,370  
Customer No. 24492.  
(413) 322-2937

By: Michelle Bugbee  
Michelle Bugbee  
Associate Patent Counsel  
Attorney for Applicant  
Spalding Sports Worldwide, Inc.  
425 Meadow Street, P.O. Box 90  
Chicopee, Massachusetts 01021-0901

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**OFFICE OF PETITIONS**

cc: SSW Dep. Acct.  
Richard M. Klein, Esq. (SLDZ 2 00214-3)



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PATENT AND  
TRADEMARK OFFICE



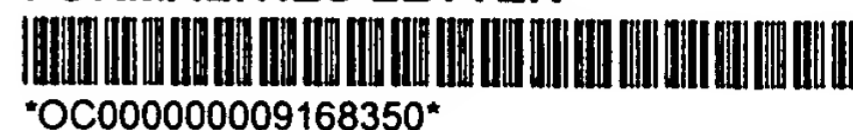
Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/877,835	06/08/2001	R. Dennis Nesbitt	SLD 20214-3

Michelle Bugbee  
Spalding Sports Worldwide, Inc.  
425 Meadow Street  
P.O. Box 901  
Chicopee, MA 01021-0901

CONFIRMATION NO. 2483

# FORMALITIES LETTER



\*OC000000009168350\*

Date Mailed: 11/27/2002

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

*A copy of this notice **MUST** be returned with the reply.*

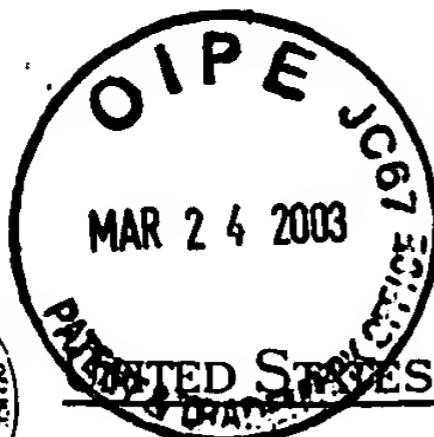
*Thay V.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY

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MAR 24 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
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09/877,835

06/08/2001

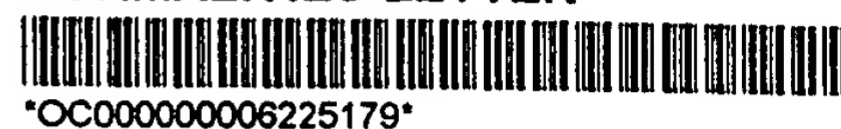
R. Dennis Nesbitt

SLD 20214-3

P-568621-CI-1

CONFIRMATION NO. 2483

## FORMALITIES LETTER



\*OC000000006225179\*

Michelle Bugbee  
Spalding Sports Worldwide, Inc.  
425 Meadow Street  
P.O. Box 901  
Chicopee, MA 01021-0901

Date Mailed: 06/26/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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PATENT AND  
TRADEMARK OFFICE



Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/877,835	06/08/2001	R. Dennis Nesbitt	SLD 20214-3

Michelle Bugbee  
Spalding Sports Worldwide, Inc.  
425 Meadow Street  
P.O. Box 901  
Chicopee, MA 01021-0901

CONFIRMATION NO. 2483

**WITHDRAWAL NOTICE**



\*OC000000009168344\*

Date Mailed: 11/27/2002

**WITHDRAWAL OF PREVIOUSLY SENT NOTICE**

The Notice mailed on 10/04/2001 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. We apologize for any inconvenience this caused.

*A copy of this notice MUST be returned with the reply.*

*Thanh Vo*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

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Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/877,835	06/08/2001	R. Dennis Nesbitt	SLD 20214-3

Michelle Bugbee  
Spalding Sports Worldwide, Inc.  
425 Meadow Street  
P.O. Box 901  
Chicopee, MA 01021-0901

CONFIRMATION NO. 2483

# FORMALITIES LETTER



\*OC000000009168350\*

Date Mailed: 11/27/2002

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

### FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).

*A copy of this notice **MUST** be returned with the reply.*

*Thanh Vo*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

**DESIGN PATENT APPLICATION**

**INVENTOR:** [Name] [Address] [City, State, ZIP]

**ATTORNEY:** [Name] [Address] [City, State, ZIP]

**REFERENCE TO PRIOR APPLICATIONS:**

**CLASSIFICATION:** [Class] [Subclass]

**ABSTRACT:**

**CLAIMS:**

**FIGURES:**

**STATEMENT OF INFORMATION:**

**ASSIGNMENT:**

**RECEIVED BY THE OFFICE**



Inventor/Applicant: <u>R. Dennis Nesbitt</u>		Pat. No. <u>Unknown</u>
Title: <u>Multi-Core, Multi-Layer Circuit</u>		Ser. No. <u>As per with</u>
Attorney Docket No. <u>SLD 20814-3</u> Initials <u>ALB</u>		Filed <u>6-8-01</u>
<input checked="" type="checkbox"/> PATENT/DESIGN APPLICATION		<input type="checkbox"/> AMENDMENT (Due _____)
New Application Transmittal		Transmittal(s) _____
Cont. Div. <input checked="" type="checkbox"/> C-I-P Provisional _____		Extension of Time (For _____ month(s))
<input checked="" type="checkbox"/> CPA Transmittal		
Declaration/Power of Atty. _____		<input checked="" type="checkbox"/> CHECK(S) in Amount \$ <u>710.00</u>
pgs. Specification _____		<input checked="" type="checkbox"/> OTHER <u>Application Data Sheet</u>
pgs. Claims <u>4</u> total <u>3</u> independent		
pgs. Abstract <u>1</u>		
Sheet(s) of drawing(s) <u>3</u>		
formal _____ informal _____		
Preliminary Amendment _____		
Request and certification under 35 U.S.C. 122(b)(2)(B)(i) _____		
Claim for Right of Priority _____		
Priority document(s) _____		
Small Entity Statement(s) _____		
Final Fee _____		
Reponse to missing parts _____		
<input type="checkbox"/> ASSIGNMENT		
Transmittal _____ Confirmatory _____		
<input checked="" type="checkbox"/> INFORMATION DISCLOSURE STATEMENT		
PTO Form 1449 <u>40</u> Refs. _____		

RECEIPT IS HEREBY ACKNOWLEDGED

11033 U.S. PTO  
09/877835  
06/08/01

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : R. Dennis Nesbitt  
For : MULTI-CORE, MULTI-LAYER COVER  
GOLF BALL  
Serial No. : 09/877,835  
Filed : June 8, 2001  
Art Unit No. : 3711  
Examiner : A. Hunter  
Date of Last Action : November 27, 2002  
Customer No. : 24492  
Confirmation No. : 2483  
Attorney Docket No. : P-5686U1-C1-1  
(SLDZ 200214-3))

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OFFICE OF PETITIONS

Cleveland, Ohio 44114-2518  
January 15, 2003

**AFFIDAVIT FOR PETITION FOR APPLICATION FILING DATE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

I, Richard M. Klein, am an attorney with the law firm of Fay, Sharpe et al. for the assignee of the above-captioned patent application. I declare the following:

1. On June 8, 2001, I attended to the preparation and filing of the above-captioned patent application.
2. I reviewed the application prior to its submittal via Express Mail to the U.S. Patent and Trademark Office (PTO) on June 8, 2001. I signed and dated an application transmittal letter filed with this application on June 8, 2001. To the best of my knowledge, that application, as evidenced on a postcard

THOMAS J. ... JR., ATTORNEY AT LAW  
Notary Public, State of Ohio  
My Commission Expires: No Expiration Date



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov  
DM 03-03

Paper No. 11-2003  
MAR 14 2003

MICHELLE BUGBEE  
SPALDING SPORTS WORLDWIDE, INC.  
425 MEADOW STREET  
P.O. BOX 901  
CHICOPEE MA 01021-0901

COPY MAILED

MAR 11 2003

OFFICE OF PETITIONS

In re Application of	:
R. Dennis Nesbitt	:
Application No. 09/877,835	: DECISION DISMISSING
Deposited: 8 June, 2001	: PETITION
Attorney Docket No. SLD 20214-3	:

This is a decision on the petition filed on 21 January, 2003, which is treated as a petition under 37 CFR 1.53(e) requesting that the above identified application be accorded a filing date of 8 June, 2001.

The petition is **dismissed**.

The application was deposited on 8 June, 2001. On 27 November, 2002, however, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the application had been deposited without drawings, and that the filing date would be the date that the drawings were received. A two (2)-month period for reply was set.

In response, the present petition was filed on 21 January, 2003, in which petitioner asserts that the application, as filed, included three (3) sheets of drawings. In support, the petition is accompanied by a copy of petitioner's return receipt postcard bearing a USPTO Office stamp with an "Office-date" of 06/08/01 and the above-identified application number and itemizing the filing of three (3) sheets of drawings.

The petition is **dismissed** without prejudice to reconsideration because petitioners have not supplied a copy of the three (3) sheets of drawings allegedly filed on 8 June, 2001. Petitioners must supply a copy of the three (3) sheets of drawings with a renewed petition.

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MAR 25 2003

OFFICE OF PETITIONS

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136. The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision. If no response is received within two (2) months, the application will be forwarded to the Office of Initial Patent Examination for further processing as an incomplete application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner of Patents and Trademarks  
Box DAC  
Washington, D.C. 20231

By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite CP4-3C23  
2201 South Clark Place  
Arlington, VA 22202

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions